

III. REMARKS

In the Office Action, correction was required of the Abstract. The Abstract is amended to meet the requirements of the Examiner.

Claims 1-11, 14-17, and 26-28 were rejected under 35 U.S.C. 103 as being unpatentable over Applicant's Prior Art in view of Jager (US 6,067,449) for reasons set forth in the Office Action. Claims 18 and 29-30 were rejected under 35 U.S.C. 103 as being unpatentable over Applicant's Prior Art in view of Jager and Jones (US 6,531,985), claims 19-20 and 23-24 were rejected under 35 U.S.C. 103 as being unpatentable over Applicant's Prior Art in view of Jager, Jones, and Edvardsson (US 6,334,048), and claims 21-22 and 25 were rejected under 35 U.S.C. 103 as being unpatentable over Applicant's Prior Art in view of Jager and Edvardsson for reasons set forth in the Office Action.

Allowable subject matter was noted in claims 12-13.

The claims have not been amended in this response because they are believed to be allowable in view of the following argument.

With respect to overcoming the rejections under 35 U.S.C. 103, it is noted that Applicant relies for priority on the filing date, October 17, 2000, of the Application 20002291 filed in Finland. All of the rejected claims were rejected on a combination of Applicant's Prior Art in combination with the teachings of Jager, with some of the claims being rejected in combination with further ones of the references, as set forth above.

The Jager patent was filed in the USA on December 10, 1996, and issued on May 23, 2000, which is a few months prior to the filing date of the Finland application. Therefore, the basis of rejection

under 35 U.S.C. 103 cannot be 103/102(b) but is presumed to be 103/102(e). The statute 35 U.S.C. 103(c) provides that subject matter developed by another person shall not preclude patentability where the subject matter and the presently claimed invention were owned by the same person at the time the claimed invention was made.

The present application is assigned to Nokia Mobile Phones, which assignee is also the assignee of the subject matter of the Jager patent, as is set forth on the front page of the patent. The ownership of the Jager subject matter by Nokia Mobile Phones continued during the pendency of the Jager patent application, and continues thereafter up to and beyond the filing date of the Finland priority application.

Therefore, there is common ownership of the subject matter of the Jager patent and the presently claimed invention at the time the claimed invention was made, as called for by 35 U.S.C. 103(c). Accordingly, the subject matter of the Jager patent cannot preclude patentability of the present invention.


It is noted also that the cited Jones patent was filed in the United States on August 14, 2000, approximately two months prior to the filing date of the Finland priority application, and issued years later on March 11, 2003. It is presumed that the basis for inclusion of this reference in the rejections is 103/102(e) to show that the information in Jones, relied upon by the examiner, existed prior to the conception of the present invention. Since Finland is a WTO member country, acts of invention in Finland can be used to show conception prior to the US filing date of Jones (35 U.S.C. 104), and thereby defeat the rejections based on the combination of Jones with other ones of the foregoing references.

It is urged that, by the foregoing argument, all of the rejections under 35 U.S.C. 103 have been overcome, so as to obtain allowable subject matter in all of the claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Geza C. Ziegler, Jr.
Reg. No. 44,004


4 May 2005
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 5/4/05

Signature: 
Person Making Deposit